

1900-058 Chancery Causes: Wiley Witt vs. Sallie Witt
Lee Co.

Bush, Adams, Morris, Caper, Duncan, Flanary, Flanery

CA-Divorce

T-Health/Medicine
Vices

To the Hon. W. T. Miller Judge of
the circuit court of Lee county
Virginia.

Humly complaining, Your orator
^{a citizen of this State for more than 12 months}
Wiley Pitt, would show unto
your honor that on the - day
of - 1890, your orator was
married to Sallie Pitt, ^{in this State} nee Sallie
Bush, that within two months
after we were married she
acted so curious at times
that my suspicions were
aroused that her mind
was not right and within
four months, that she was
insane at times became
the talk of the neighborhood.
She grew worse, and worse
untill December 1893 when
she became violent & would
try to destroy herself & others
in different ways, in Jan'y
1894 she was tried for
insanity by Justice Clinger
& others & found guilty, but
for some cause she was
not sent to the asylum &

! X That your orator further alleges that at the time
of & before he was intermarried with her - she
was insane - & therefore incapable of entering into
or contracting the marriage state: & that our opponent
of said insanity - she did not regard it keep
against her marriage vows & obligations.

her father gave her and
taken her to his home
and she has remained with
her father since & up to this
time. Your orator avers that
during all the time we
live together from the day
of our marriage up to the
time she was tried for
insanity that he was kind
& indulgent and in all
respects treated her as a
husband should treat his
wife, your orator further
averts will show to your
honor that before we were
married ^{and at the time} ~~that~~ ^{through} her mind was
that of a crazy woman at
times, all of which was
nicely kept from the know-
ledge of your orator. X
Your orator admits that
for the last six months
or more defendant's mind
appears to be sound and
that she talks as sensible
as any person & further
your orator alleges that the
defendant has been guilty of
the act of adultery since she
was adjudged insane at the
house of William Henry
Morris in Harlan County
Ky. with James Adams &
others. And further

x And that a proper Guardian Ad. litem
be appointed & required to answer
for said Defendant, whom your
Orator alleged to be insane.

declares that she will never
live with your orator again
or any other man, Now your
orator avers that the aforesaid
events have separated plaintiff
& def^t for a period of more
than three years, that your
orator is unable to say
whether or not his mind
will continue as it is now
but if it should I could
never under any circumstance
live with her again. for to
think of his uncertain state
of mind I could not rest
by day or sleep at night,
your orator avers that no
children were born to us &
Now the prayer of your
orator is that ^{said things be decreed void} your Honor
grant him a divorce ^{vinculo}
Matrimonii dissolving the bonds
of matrimony & the existing
between plaintiff & def^t & he
will ever pray &c

Wiley Whit.

Per ex officio p. 9.

Paffo Costs
 Clerk 7.06
 Shff 1.50
 H. A. L. 5.00
 \$12.56
 atty 15.00
 \$27.56

Wiley Thitt

use } Bill in ch

Lallie Thitt

1898 1st Oct rules Spa not
 24 cents alias awarded
 " 2nd Oct rules alias Spa 4d
 " 1st Nov rules taken the
 last Monday in Oct
 Cause set for hearing

go to oo
 W-

To the Honorable W.A.W. Sherr Judge of the
Circuit Court of Lee County Va.

The answer of M. G. Ely Guardian ad Litem for
the Lunatic defendant Sallie Witt. assigned to
defend her in the Chancery Cause of Wiley Witt
vs. Sallie Witt pending in your honor's court,
The respondent reserving to herself the benefit
of all just exceptions to said bill, for answer
thereto, or to so much thereof as she is advised that
is material she should answer, by her said
Guardian ad Litem answers and says — That
she is insane, and by reason of that is incapable
of understanding, or taking care of her rights and
interest, She therefore by her said Guardian
commends herself and her rights and interests
to the protection of the court. And having fully
answered, the said respondent prays to be hence
dismissed with her reasonable costs in this
behalf expended, and she will ever pray &c

M. G. Ely

Guardian ad. Litem

Sworn to before me by M. G. Ely G. A. L. — This
March. 5th, 1900 — A. B. Munsey Clerk

Wiley Witt }
not } In Chancery.
Sallie Witt }

This Cause came on this day to be heard up on the plaintiffs bill and the depositions filed thereunto, and was argued by counsel. And it appearing that the said Sallie Witt had been ~~notified~~ noticed according to law, and it appearing to the court that the said plaintiff under the evidence is entitled to relief in equity, It is therefore adjudged ordered and decreed that the bonds of matrimony heretofore contracted and up to this time existing between the plaintiff and defendant, be and is hereby dissolved and annulled, And this cause is ordered to be stricken from the docket.

Wiley Will
vs { Decree Final
Sallie Will

Entered on OOB No 6
fv - 419.

Entered this
June 13, 1900.
H a W Starn

Wiley Witt
vs d } in chancery
Sally Witt

This cause came on to
be heard at this term and was
argued by council and upon consid-
eration thereof the court was
of the opinion that said bill
was not sufficient, but allowed
same to be amended and
appointed M. L. Eby an attorney
at Law Guardian ad Litem to
answer for the Defendant and
this cause is continued

July Nett
vs. Decree
Sally Nett
Eu C.O.B. 6p. 184.

Enter
Nov. 12th 1898
N. J. M.

Walter Witt
Sallie Witt

notice to take depositions

Sallie Witt,

You will please take notice
that - on the 1st day of June 1900
between the hours of 8 o'clock A.M.
and 4 o'clock P.M. of said day at Witt
& company store in the town of Lynchburg Lee
County Va. I will proceed to take
the depositions of and
others, which when taken, is intended
to be used as evidence on my
behalf in a certain suit now
pending in the circuit court of Lee
County ^{1st} and if for any cause the same
be not commenced, or if commenced
be not concluded upon said day, the
taking of same will be adjourned
from time to time and from
place to until complete, Given
under my hand this May 19th 1900
Walter Witt.

On counsel.

Wiley Witt
vs
Lallie Witt

This is to certify that- Chris Morris
came before me on the
21st day of May 1900 and
made oath that- he served
a true copy of the written
notice on Lallie Witt the
defendant in this suit- on
said day and explained
her the purport thereof and
that- he was over sixteen
years of age & that- he has
no interest in this suit.

this 21st day 1900

E. M. Cooper, N.Y.

The depositions of A. M. Flanary and others taken before me at Witt Schoopers store on the 1st day of June 1900, pursuant to notice hereto appended, to be read as evidence on behalf of Wiley Witt upon the trial of a certain cause now pending in the circuit court of Lee County, in which Wiley Witt is Plaintiff and Sallie Witt is Defendant.

Present - W. K. Hopkins, Counsel for Plaintiff.

1 What is your name, age, residence and occupation

ans A. M. Flanary age 19 Clover fork.
Farming

2^d Are you acquainted with Sallie Witt, the Defendant in this cause, if so how long

ans I am. I've known her for 5 years

3^d Ques What is her reputation as to decency and good morals, is it good or bad.

ans Bad

4th Ques Do you know of your own knowledge whether she has been guilty of the act of adultery within the last five years.

Ans. I do, several times
5th ques Where was these adulterous acts
of this defendant committed

Ans. at William Henry Morris dwelling
house in Harlem County Ky

6th ques Do you know James Adams, of so
Did you ever see him talking
to Sallie at W.H. Morris dwelling?

Ans. I do. I have I have saw him coming
her at Morris at night

7th ques Was these adulterous acts of Sallie
brought about through the connivance
of Willy Witt, the Plaintiff in this case

Ans. No sir. Willy knew nothing about it
untill afterwards.

8th ques How long if you know since
Willy Witt and Sallie Witt have lived
together

Ans. They have not lived together since
~~they parted~~ and I'm sure they haven't
since these adulterous acts

9th qm Where is Wiley Witt now,

ans he is at Bigstone Gap va

10th qm When and where did you last see her ~~in~~ privately

ans I saw her at William H Morris some time last winter.

And further this deponent saith
not. A. M. Flanery

I hereby certify that the foregoing deposition of A. M. Flanery
were taken, subscribed, and sworn
to before me at the time and place
mentioned in the caption, Witness
my hand this 1st day of June
1900 E. M. Cooper N.P.

Wiley Witt

vs. ~~oppositions~~

Sallie Witt

Received by mail in
good condition and filed
June 4th 1900.

A. B. Munsey Clerk

The depositions of James Adams^{sr}
and other taken before me at Witt
& Cooper store in Lee County Vir-
ginia on the 31 day of Jan^y 1900
pursuant to notice hereto appended,
to be read as evidence on behalf
of Wiley Witt upon the trial of
a certain cause now pending
in the Circuit court of Lee County,
in which Wiley Witt is Plaintiff
and Lally Witt is Defendant.
Present W. K. Stephens for Plaintiff.

James Adams a Witness of
lawful age after first being
duly sworn deposes & says

Ques 1 What is your age name
& residence.

Ans. My name is James Adams
I am 25 years old & live in
Crab Orchard Lee County Virginia

Ques 2 Are you acquainted with
Lally Witt the Lally Bush
Wife of Wiley Witt, if so how
long have you known her.

Ans.

I am acquainted with her. I have known her very well for the last 3 months.

Ques 3 Do you know of your own knowledge of her committing the act of adultery, if so when & where was it.

Ans.

I do. about the 1st of Jan. 1900 at William Henry Morris Cleveland House in Harlan Co. Ky.

And further this is upon oath & under oath.

his
James A. Adams
mark

I hereby certify that the foregoing depositions of James Adams were taken subscribed and sworn to before me at the time and at the place mentioned in the caption between ^{hours} of 8 am and 4 o'clock of said day, witness my hand this the 3rd day of Jan. 1900:

E. M. Cooper N.P.

Wiley Witt
vs { Deposition
Sallie Witt

The depositions of Mary Morris and others,
taken before me at Witt & Coopers
store in Lee county Virginia on the
12th day of October 1898, pursuant to
notice hereto appended, to be read as
evidence on behalf of Wiley Witt upon
the trial of a certain cause now
pending in the circuit court of Lee
county, in which Wiley Witt is Plaintiff
and Sally Witt is Defendant.

Present W. K. Hopkins counsel for Plaintiff

Mary Morris a witness of lawful
age being first duly sworn deposes
and says:

Ques 1 What is your name, age & place of
residence

Ans My name is Mary Morris, I am 53
years old and live in the tractor house
Lee county Virginia

Ques 2 Are you acquainted with Sally
Witt, the wife of Wiley ^{Witt}, the Defendant
in this case

Ans Yes Sir

Ques 3 How long have you known her.

Ans I expect its been some 8 or ten
years

Ques 4 Was you acquainted with her before

She was married to Wiley Witt
ans yes sir.

Ques What opportunity did you have to
become acquainted with her before
she was married

ans She lived with me as a hired
girl at one time something over
a year before she was married
and again, about a week before
she was married

Ques did you notice or suspicion that
there was any thing wrong with
her mind the first time she staid
with us

ans yes sir: the way she acted and
talked at times made me
believe that she was wrong

Ques Did her mind seem to be better
or worse the last time she staid
with just before she was married

ans It was worse.

Ques Was this derangement of the mind
periodical or did she seem to
be wrong all the time.

ans It was just at times, at other
times she seemed all right.

Ques What did she do that made

you think she was wrong.
ans because at times she would
talk all kind of non sense.

Ques How long was it after she was
married until you heard it said
that she had gone crazy

ans I dont know exactly, I think it
was about a year.

Ques does her & her husband live
together now

ans No sir

Ques do you know why she & her
husband does not live together

ans They took her for insanity &
she has not lived with her
husband since she went home
with her father

Ques How long ago was this

ans I dont know.

Ques Is she here to day, if so how
does her mind seem to day

ans Yes sir she is here and seems
to be all right at this time

Ques How long was it after she was
married until she was tried
for insanity

ans I dont remember.

ques Did Wiley with you come to see her at your house.

ans Yes He come there once or twice

ques did you know then that her and Wiley was going to get married.

ans I didnt know exactly I thought they were

ques did you tell him there was something wrong with her mind

ans No sir. I thought he could see for him self

ques Mrs Morris, now that you know that directly after she was married that she was pronounced crazy by the Justice of the peace, ^{to} what do you ~~pronounce~~ ^{attribute} her strange action before she was married.

ans I think it was her mind. she must have been wrong

ques are you related to either the Plaintiff or Defendant

ans I am not.

ans further the Depositions with
not.

Mary Morris ^{her} _{mark}

Alexander Morris another
witness of ^{after being and sworn} lawful ~~aze~~ ^{as} ~~aflosed~~
and says.

Ques Are you acquainted with Dottie
until if so how long.

Ans I don't know how long she lived
at my house before she was
married

Ques At the time she lived at your
house what was the condition
of her mind

Ans Her mind was wrong at
times and when she told me
she was going to marry I
told my wife she would soon
be entirely deranged

Ques How long was it after she was
married until your prediction
became true

Ans I don't know just how long
but she finally was tried for
insanity

Ques Did they find her guilty.

Ans I was not present but I
heard they did and Dr. Stillman
the attending physician told me
that she would never be exactly
right

Ques Did any of her relations ever become insane

Ans I understand two of her Uncles are insane now & in the asylum in Kentucky

Ques who does she live with now
Ans she lives with one of her sisters

Ques How long is it since she has lived with her husband

Ans I think it - is March or April three years ago.

Ques Did, or do you know whether or not the plaintiff in this case knew about her mind being wrong at times before he married her

Ans I dont suppose he did.

Ques why did you think she was wrong at times before she was married.

Ans I could tell it by her talk & she would talk to her self, it was plain to be seen at times & at other times she was all right

Ques is Sallie here to day.
Ans yes sir.

Ques Are you related to either the
Plaintiff or Defendant in this
case

Ans No sir. none of any note
Ques How did it happen that you
and your wife came here to
day to give some deposition

Ans We were summoned to come
and I didnt want to have
any thing to do with it.

Ques Was you at the plaintiffs
house soon after they were
married, if so what was
sally doing

Ans She was in the bed. that
was at that time holding
her in the bed & she said
they were going to kill her &
at other times I was there
& she was all right or
seemed to be

Ques How does she appear to day
she appears to all right to day.
and further this defendant
saith not

Alfred B. Mearns

E.M. Cooper, another witness
of lawful age after first being
duly sworn deposes and says
Ques Are you acquainted with
Sally Witt.

Ans Yes Sir.

Ques Did you know her before
she & Wiley Witt were married.
Ans Yes Sir.

Ques To what extent was your
acquaintance with her

Ans My acquaintance with her
was limited was never about
where she was much.

Ques After she was married to
this plaintiff was she, or not
tried for insanity

Ans She was.

Ques What was the verdict of
the Justice who tried her
& who were they

Ans They found her guilty, it
was Esq Parsons & J.D. Olinger
& I don't remember the others.

Ques Why didn't they send her off, or
do you know

Ans I don't know exactly, but they
gave a bond for her

Ques Did you have any opportunity
to know if the plaintiff was
kind to the "boy" or not when
she lived with him.

Ans Yes Sir: I have been about
their house often & they lived
on my land & she told me
that Wiley was good to her &
I never heard or saw anything
to the contrary.

Ques have you seen her to day, if
so how does she appear to day.

Ans Yes I saw her to day & she
knew & understood what was
up & she appeared to be all right
to day.

Ques are you interested in this
case in any way

Ans I am not.

And further this deponent
saith not.

E. M. Cooper

M. J. Duncan another
witness of lawful age
after first being duly
sworn. Deposition taken

Ques

are you acquainted with
Sallie With.

Ans I am.

Ques Did you have a conversation
with Sallie to day if so
what was it about

Ans Yes I talked with her
some, I talked to her about
this case, she said she was
not going to put herself to
the trouble to defend the case
because ^{she} didnt ever aim
to live with him no more
any way. I had considerable
conversation with her to
day she spoke of having worked
pretty hard this summer and
said she believed it was good
for her.

Ques Who came with her here to day. if
any one

Ans Her sister, and her father
was here also.

And further this deponent
saith not.

M. J. Duncan

I hereby certify that the foregoing
depositions of Mary Morris,
and Alexander Morris, E. M. Cooper
and M. J. Duncan were taken
subscribed and sworn to before
me at the time and at the place
mentioned in the caption between
the hours of 10 A.M. and two o'clock
P.M. of said day.

Witness my hand this the
12th day of October 1898

J. D. Olinger J.P.

Wiley Witt
vs Depositions
Sallie Witt

Received by mail in
good condition and
filed October 14th 1898
A. B. Munsey Clerk

Salley Kitt

TAKE NOTICE. That on the 12th day of
October, 1898, at Cooper & Withers - Store in
Upper Crab Orchard Lee County Virginia
between the house of 8 A.M. & 4 P.M. of said day

I will proceed to take the deposition of ~~Alfred Morris & Pally~~
~~May Morris & Henry Morris~~ - Erwin Morris

which, when taken, ~~is~~ intended to be read as evidence on ~~my~~ behalf in a certain suit in chancery
now pending in the ~~Circuit~~ Court of Lee County, State of Virginia, in which

I ~~am~~ plaintiff and
you are defendant.

And if from any cause the same be not commenced, or if commenced, be not concluded on that day, the
taking thereof will be adjourned from time to time, and from place to place, until completed.

This Sept 29th, 1898.

Very Respectfully,

Salley Kitt.

Wally Witt

USA

Sally Witt

I Sally Witt bring
present on this the 7th day
of Oct 1898 accept legal
service of the within notice
the same having been served
on me several days
attest Sally Witt X
J. J. D. Ph. Regis G. D.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon

Sallie Mitt

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *30^d* Monday in *October*, 189*8*, to answer a bill in chancery, exhibited against *her* in our said court by

Miley Mitt

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *12th* day of *October*, 189*8*, and in the *123rd* year of the Commonwealth.

A. B. Munsey Clerk

Wiley Witt

vs. }

SUBPOENA

IN CHANCERY.

Sallie Witt

W. H. Hopkins p. q.

To 2nd October Rules.

1898 Circuit Court.

Executed on the - day
of October 1898 by
serving a true copy of the
within notice on Sallie Witt.
This Oct 12th 1898.

G. D. Russell C. L. C.
This is to certify that - G. D. Russell
came before me on the 12th day
of Oct. & made oath that she
gave Sallie Witt a copy of the
within notice
J. D. Singer 98

Remington & of V^a

Jan'y 27th - 1900

M. G. Ely, Esq

Black & Co. & Co

Dear Sir: You will please take notice
that I will on the 31st day of Jan'y 1900
at Cooper & Witts store in Lu County,
Virginia, between the hours of 8 o'clock
A.M. and 4 P.M. of said day proceed
to take the Deposition of James Adams
which when taken is intended to be
read as evidence on my behalf in a
certain suit in Chancery now pending
in the Circuit Court of Lu County V^a
in which I am Plaintiff & Lallie
Witt Defendant. And if from any cause
the same be not commenced, or if commenced,
be not concluded on that day the taking
thereof will be adjourned from time to
time & from place to place until completed.

Thos. Witt

Per Council.

Legal ~~not~~ service of the
within notice is hereby
accepted, This Feb 1-1908

M. Y. Ely

Quoniam ad litem

Sallie Witt:

you will take notice
that I will on the Jan 27 -
1900 at Cooper & Witts store
in Lee county Va between the
hours of 8 am & 4 o'clock P.M.
of said day proceed to take
the Depositions of James Adams & others
which when taken is intended
to be used as evidence on my
behalf in a certain suit in
Chancery now pending in the
ancient Court of Lee county
Virginia in which I am plaintiff
and you are Defendant and
if from any cause the same
be not commenced, or if
commenced be not concluded
on that day, the taking thereof
will be adjourned from
time to time & from place
to place until completed this
Jan 27 1900.

Wiley Witt

For counsel

Wiley with
us of notice

Sally With

I E. M. Cooper a
notary public for
the county certify
that John Adams
came before me
on the 29 day of
January 1900 & made
oath that he delivered
a true copy of this
notice to Sally With
and that he was over
16 years of age &
had no interest in
this suit.

E. M. Cooper N. O.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Sallie Witt

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the 1st Monday in October, 1898, to answer a bill in
chancery, exhibited against her in our said court by

Wiley Witt

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the 19th day of September 1898, and in the 12^{3rd} year of the Commonwealth.

A copy

A. B. Munsey Clerk

Lester A. B. Munsey Clerk

vs.

}

SUBPOENA
IN CHANCERY.

p. q.

To..... Rules.

Court.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *Sallie Witt*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *October*, 189*8*, to answer a bill in
chancery, exhibited against *her* in our said court by

Wiley Witt

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the *19th* day of *October*, 189*8*, and in the *123rd* year of the Commonwealth.

A B Munsey Clerk

Wiley Witt

vs.

SUBPOENA
IN CHANCERY.

Sallie Witt

W. H. Hopkins p. q.

To 1st October Rules.

Sevent Court.

Not executed not
found the party
note in the
commonwealth
this Oct 3. 1898

E. S. Stapleton \$8
for W. H. Weston

\$8.60